

REMARKS

Claims 1-12 stand rejected under 35 U.S.C. 103(a) as being unpatentable under Sigona et al. (U.S. 5,694,150) and White et al. (U.S. 5,982,351). Applicant respectfully traverses this rejection for the reasons of record. Neither of the cited references, whether taken alone or in combination, discloses or suggests all of the features of the present invention.

Applicant maintains and incorporates by reference herein those arguments previously advanced on pages 2 through 6 of Response A, filed June 25, 2002. Applicant respectfully requests that the Examiner reconsider those arguments and withdraw this Section 103 rejection. Additionally, although Applicant does not agree that the Examiner's proposed combination is proper, or that claims 1-12 read on the proposed combination, Applicant has amended independent claims 1-2, 4, 7, and 10 in order to expedite prosecution. In light of these amendments, Applicant respectfully requests that the Examiner consider the following new arguments and expansions upon the previous arguments.

As previously argued, Sigona is drawn to a graphical user interface ("GUI") system which responds to user-generated events in order to allow multiple users to act simultaneously on the same task. Each user utilizes independent input means, and often at remote locations. White discloses a system for displaying to an unfamiliar user a predictive menu which helps the user to operate a communication device by guiding the user through a sequence of menu selection steps in a predetermined order. Neither

reference contains any suggestion of a combination with the other, or how such a combination could even be implemented.

The present invention, on the other hand, features a menu system which can reduce the amount of physical manipulation of an input device, to display one of several menus, or to select one of several menu items. To expedite prosecution, the independent claims of the present invention have been amended to more clearly emphasize that this physical manipulation is of the same input device. An example of how the present invention differs from the cited prior art references is illustrated in FIGS. 6A and 6B of the Specification to the present Application.

In this particular example embodiment, a computer mouse is presented as the input device, with actuations of the input device being implemented by clicking the mouse button. In this example, the present invention may provide different menus from a single-click of the mouse button to a double-click of the mouse button. A "double-click" is a manipulation to click the same mouse button twice in succession. According to the present invention, such a manipulation could also be performed by a keystroke on a keypad, or other known input devices. Neither Sigona nor White, alone or in combination, could realize such advantageous features as in the present invention.

As discussed above and previously, Sigona deals with multiple input devices at remote locations. There is no teaching or suggestion that any menu, or other display, could change if one of Sigona's users manipulated the same button once, twice, or multiple times. White, on the other hand, follows a predetermined menu sequence.

According to White, the same menu will always appear when the same button is pressed, regardless of how often or long that button is pressed. There is no teaching or suggestion in White that clicking the same button, for example, longer or twice in succession would result in any different arrangement of its predetermined menu sequence. Accordingly, for at least these reasons, the Section 103 rejection based on a combination of Sigona and white is respectfully traversed.

The Examiner's comments in his response to Applicant's previous arguments do not sufficiently rebut Applicant's arguments.

The Examiner asserts that Sigona's GUI system, as described on column 3, lines 45-50, and column 10, lines 30-39, teaches how a number of consecutive actuations of an input device in a given time interval, or a duration of time of input events, are ascertained. This assertion, however, is erroneous. The cited portions of Sigona do not support the Examiner's interpretation.

The cited portion from column 3 of Sigona describes only a "mouse button depression" counter, which describes the status of Sigona's system prior to processing an event, and determines a change in status as a result of processing the event. Nothing in this portion of cited text from Sigona describes counting a number of consecutive actuations in a given time interval, or the duration of time an input device is actuated. Sigona's mouse button depression counter does not count the number of consecutive actuations of the same mouse button, but in fact, only the time between mouse button depressions from different users to simultaneous inputs.

The cited portion from column 10 of Sigona similarly fails to disclose such features from the present invention. In column 10, Sigona merely describes a counter operation where a counter is used only to determine which of two actuations is more recent. When the device determines that a new actuation has occurred, the system is updated and an interrupt service routine is terminated. Nothing in this portion of Sigona discloses or suggests counting the number of consecutive actuations, or the duration of time of any of the particular actuations. Sigona here merely determines which of two consecutive actuations is newer, but does not suggest counting them. See In re Lee, 277 F.3d 1338 (Fed. Cir. 2002). In fact, Sigona specifically states that upon each new actuation, the system is updated and an event is terminated. As such, Sigona actually teaches away from the present invention.

A rejection based on obviousness cannot be properly maintained when one or more of the cited references on which the rejection is based teaches away from the present invention. Sigona teaches away from the present invention by disclosing the updating and reconfiguring of the system with each new actuation. When a “new touch” occurs, an “initial touch” value is updated, and the “new touch” then becomes the “initial touch” for the next actuation to be received. (See col. 10, lines 31-41). Sigona here even specifically teaches that “the various inputs are independent and do not interfere with each other, as only a new touch event generates messages.” (See col. 10, lines 39-41). Because all various inputs are independent, they are not therefore counted consecutively. More importantly, because Sigona teaches that only a new touch event generates

messages, consecutive actuations would each generate their own message according to Sigona. Because Sigona specifically teaches away from the present invention, the Section 103 rejection based on a combination with Sigona is respectfully traversed, and should be withdrawn for at least these reasons.

White merely discloses a GUI which displays a menu according to which menu item is previously selected. (See FIG. 4). Nowhere does White teach or suggest that the number of consecutive actuations is counted and used to display the menu in question. White also fails to suggest anywhere that the duration of time any of the menu items are selected has any relation to which menu items will be displayed. In fact, White specifically teaches only that each displayed menu is predetermined to appear according to a specific menu item selected. (See col. 5, lines 6-37). Accordingly, White fails to teach or suggest all of the features of the present invention.

Moreover, White actually teaches away from the present invention by teaching that all menu items are predetermined, and they have no relation to consecutive inputs, or duration of input, from a user. The present invention is drawn to a GUI which displays menus according to the number of consecutive actuations of an input device, or the duration of time of actuation of the input device. In other words, the menu displayed in the present invention is dependent on user input patterns, whereas the menu display of White will always be predetermined. Displayed menus, according to White, can only change if the user manipulates a different input, whereas the present invention allows different menus even when the same input is actuated. Because White thus teaches away

from the present invention, the rejection based on a combination with White is also respectfully traversed, and should be withdrawn.

Furthermore, and as discussed above, neither Sigona nor White alone or in combination teach or suggest all of the features of the present invention. To maintain a rejection based on obviousness, all of the features of the present invention must be found within the cited prior art references. See Section 2143.03 of the MPEP. The Examiner has not made such a showing here. As discussed above, neither reference shows any menu display options for a GUI which are dependent on the number of consecutive actuations, or the duration of actuation, of an input device. The only portion of Sigona cited by the Examiner for teaching such features actually fails to show such features, and particularly as these features are recited in the present invention. Accordingly, for at least these additional reasons, the Section 103 rejection based on a combination of Sigona and White only if further traversed, and should be withdrawn.

Additionally, it would not have been enough for the Examiner merely to have shown all of the features of the present invention among the prior art references. To maintain a rejection based on obviousness, the Examiner was further required to show some suggestion within the prior art to *combine* the cited references. See In re Lee, 277 F.3d 1338 (Fed. Cir. 2002). The Examiner has not done so. On page 3 of Paper No. 6, the Examiner has only asserted that White discloses a motivation to ease the burden of input management and to make input operations acted upon more efficiently. Such a

motivation, however, hardly suggests any rationale for combining White with Sigona, as required by the MPEP.

The motivation cited within the prior art has to suggest why one skilled in the art would be motivated to combine the particular references in question. The motivation cited by the Examiner, on the other hand, only suggests why the present invention might be desirable, but not how to create it. The motivation to create all of the features of the present invention cannot be found without the benefit of the present inventor's Application itself. Applicant submits, therefore, that the Examiner has demonstrated an impermissible use of hindsight to reject the present invention. Accordingly, for at least these further reasons, the rejection should be withdrawn.

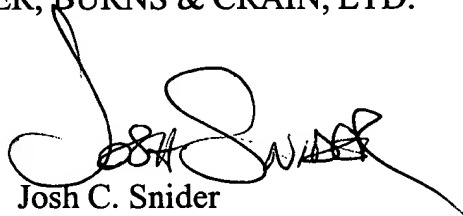
Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached Appendix is captioned "Version with Markings to Show Changes Made."

For all of the foregoing reasons, Applicant submits that this Application, including claims 1-12, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

A handwritten signature in black ink, appearing to read "Josh C. Snider", with a long, sweeping horizontal line extending to the right.

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Serial No. 09/384,073

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1-2, 4, 7, and 10 have been amended as follows:

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1 1. (Amended) A graphical user interface for displaying a menu on a
2 display screen on the basis of a predefined manipulation of an input device, comprising:
3 input device monitoring means for monitoring at least one of a location and
4 an actuation state of the input device; and
5 display control means for displaying a selected menu of a plurality of
6 menus on the basis of at least one of:
7 a number of consecutive actuations of the same input device in a
8 predetermined time interval; and
9 a duration time of an actuation of the same input device.

1 2. (Amended) A graphical user interface for displaying a menu on the
2 display screen on the basis of a predefined manipulation of an input device, comprising:
3 menu item management means for selecting and arranging items displayed
4 in each one of a plurality of menus;

5 receiving means for receiving an event alert message responsive to a
6 predefined manipulation of an input device; and

7 display control means for displaying a selected said menu on the basis of a
8 predefined number of event alert messages received within a predetermined time interval,
9 said display control means including at least one of an event alert counter and an event
10 alert timer, said event alert counter counting a number of event alert messages received
11 and said event alert timer timing a duration time of an actuation of the same input device.

1 4. (Amended) A graphical user interface for displaying a menu on a
2 display screen and positioning a cursor on a particular portion of the menu on the basis of
3 a predefined manipulation of an input device, the menu including a plurality of menu
4 elements or commands which are grouped in a predefined manner, said graphical user
5 interface comprising:

6 input device monitoring means for monitoring at least one of a location and
7 an actuation state of the input device; and

8 display control means for displaying the menu in response to a first
9 actuation of the input device, the menu being divided into a predetermined number of
10 regions, each said region corresponding to a particular group of menu elements;

11 wherein said display control means positions the cursor on a selected said
12 region of the menu on the basis of at least one of:

13 a number of consecutive actuations of [an] a same input device in a
14 predetermined time interval; and

15 a duration time of an actuation of the same input device.

1 7. (Amended) A computer system for displaying a selected menu on
2 a display screen on the basis of manipulation of an input device, comprising:

3 receiving means for receiving an event alert message from an operating
4 system, said event alert message alerting the occurrence of a particular manipulation of
5 [an] a same input device; and

6 display control means for displaying a selected said menu on the basis of
7 one of:

8 a duration time of said particular manipulation calculated as a time
9 difference between receipt of a first event alert message and receipt of a second event
10 alert message[,]; and

11 a number of event alert messages received in a predetermined time interval.

1 10. (Amended) A computer readable storage medium storing a
2 computer program for displaying a menu on the display screen of computer on the basis
3 of manipulation of [an] a same input device, comprising:

4 program code means responsive to an event alert message from an
5 operating system of a computer upon a particular manipulation of an input device; and

6 program code means for displaying a selected menu on the basis of one of:
7 the number of event alert message received within a predetermined time
8 interval; and
9 a duration time corresponding to an actuation of said input device
10 calculated as a difference between receipt of a first event alert message and receipt of a
11 second event alert message.